REMARKS

Claims 1-67 are pending in the application. In the Office Action of June 10, 2002, the Examiner rejected claims 1-67 under 35 U.S.C. § 103(a) as being unpatentable over Yamamoto (U.S. Patent No. 6,078,663) in view of Barber (U.S. Patent No. 5,930,777). Applicants have amended claims 1, 19, 22, 31, 49 and 50 to more clearly point out and distinctly claim their invention.

In particular, the independent claims have been amended to clarify that information is received from a sender and that it is received at an address associated with a mail recipient. Support for the amendment stating that information is received *from a sender* is found in the specification as filed (e.g., at page 2 lines 2-7 and again at page 7 lines 17-20). Support for association of a fee address with a mail recipient is found in the specification as filed (e.g., at page 15 lines 13-16 and in Fig. 4). In addition, the independent claims have been amended to clarify that fees are collected *from the sender*. Support for this amendment is found in the specification as filed (e.g., at page 4 line 8 and again at page 7 lines 17-18). The independent clams have also been amended to address an antecedent reference to the mail recipient created by the amendment above. No new matter is believed to have been added by these amendments. Reconsideration and further examination are respectfully requested.

As described in the application as filed, Applicants have developed an address system which may be used, for example, to discourage a sender from sending mail. For example, the system can be used to prevent a sender from sending useless, excessive, or very large pieces of mail, by charging the sender a fee for sending the mail. Some embodiments provide for monitoring information sent by a sender to a fee address associated with a mail recipient. Information is received asynchronously. The mail recipient defines a fee that is collected from the sender in a preferences record. In some embodiments, the fee for information received is determined based upon the preferences record established by the mail recipient. According to some embodiments, the fee is collected *from the sender* and placed in a first account. The collected fee is then transferred to a second account. In some embodiments, the first account can be a general account associated with a fee address provider and the second account can be associated with the mail recipient or other designated entity. In some embodiments, to maintain

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the privacy of the mail recipient, the received information is initially received into a public fee address and then forwarded from the fee address to a private address.

Neither the Yamamoto patent or the Barber patent describe such a system, method or computer code. In contrast, Yamamoto and Barber relate to various embodiments of a pay-for-view model of providing information.

The Yamamoto patent describes a system related to the enciphering and deciphering of transmitted data. As described in the Abstract, the Yamamoto reference relates to a communication device which includes an accounting circuit for calculating an amount to charge a user for data. The Examiner points out that the Yamamoto patent describes an information providing center for providing information to a user, at the request of the user. An accounting charge is assessed to the user for individual units of information which are provided by the information center. The user in the Yamamoto patent (who is both the requestor and the recipient of the information), is assessed a fee for the information. The Yamamoto patent teaches that the recipient of the information is charged a fee based upon an amount of data received. An information providing center acquires a count of enciphered blocks by using a counter and assesses a charge (to the recipient of the information) in accordance with the block count. In the Yamamoto patent, the user can request only part of a desired item of information and be assessed a smaller accounting charge for the part of the item, as compared to a charge for the entirety of a desired item.

The Barber patent relates generally to a method for charging a consumer for access to a vendor's information. The Examiner points out column 1 lines 41-50 of the Barber patent which describe how a consumer can authorize a bank to transfer funds from the consumer's account to a vendor's account in exchange for receiving information from the vendor. The Barber patent additionally describes the use of a personalized copy of a commerce page with price links which can allow a banker to provide a consumer with an account. The account can be utilized to charge a consumer for pay-per-view information. Basically, the Barber patent describes a classic per-per-view system with an added banking component which allows a third party bank to arrange for payment of each pay-per-view.

Another aspect of the Barber system is the use of an entry link that can be exercised to connect to a secret address of a top commerce page. According to the Barber patent, exercising the entry link can prompt a banker to create a personalized copy of a commerce page.

None of the references cited by the Examiner provide features of embodiments of the present invention as recited in the claims as amended. In particular, neither the Yamamoto or Barber references teach or describe (alone or in combination) a system including: (1) <u>monitoring information sent by a sender and asynchronously received at a fee address associated with a mail recipient</u>; (2) <u>determining a fee for the information, where the fee is based upon a preferences record defined by the mail recipient</u>; (3) <u>collecting the fee from the sender into a first account</u>; (4) <u>forwarding the information to a private address</u> or (5) <u>transferring fees to a second account</u>.

The Yamamoto patent fails to teach or suggest any of these features. In particular, there is simply no teaching in the Yamamoto patent of any <u>monitoring of sender information received at a fee address associated with a mail recipient</u>. Instead, Yamamoto describes a system in which information is provided at the request of a user. There is no sender in the Yamamoto system, thus, there can be no monitoring of sender information received at a fee address. Further, there is simply no suggestion in the Yamamoto reference to provide such a feature, as the Yamamoto reference is constructed as an information service responsive to a user--not as a system for receiving sender information.

The Yamamoto reference also fails to teach any <u>determining of a fee for the information where the fee is based on a preferences record defined by the mail recipient</u>. That is, embodiments of the present invention allow the assessment of a fee on information received from a sender based on preferences established by the intended recipient. Instead, the Yamamoto reference describes a system which determines a fee based on information requested by a user. In the present invention, the recipient has no idea what information is to be received. Embodiments of the invention force senders to pay a fee based on the information they are sending. The fee is assessed based on recipient preferences. There is simply no suggestion in the Yamamoto reference to provide such a feature, nor would such a feature be usable in the Yamamoto reference as Yamamoto does not provide any ability to receive information from a sender.

The Yamamoto reference also fails to teach or suggest <u>collecting the fee from the sender into a first account</u>. Again, Yamamoto describes no sender. As a result, no fee can be collected from a sender of information. Further, there is no suggestion in Yamamoto to provide such a feature.

The Yamamoto reference further fails to teach or suggest forwarding the information to a private address. Again, no information is received from a sender in the Yamamoto reference, so there is no sender information to forward. Further, there is no discussion of any private address in Yamamoto. Further still, there is simply no teaching or suggestion in Yamamoto to provide such a feature.

The Yamamoto reference still further fails to teach or suggest transferring fees to a second account. The Examiner correctly noted Yamamoto's failure to teach or suggest this aspect of the present invention. See Office Action mailed June 10, 2002, page 1. As discussed above, Yamamoto does not teach or suggest receiving fees from a sender. Nor does Yamamoto mention the use of a first and second account for fees collected from a sender. Yamamoto is basically an improvement on a well known pay for content model that offers various enciphering and deciphering features and partial payment for partial receipt of content. There is no motivation in Yamamoto to modify its systems or methods to provide collection of fees from a sender into a first account and transferring the collected fees to a second account. Thus, Applicants respectfully assert that the Yamamoto reference fails to teach or suggest embodiments of the present invention as claimed in independent claims 1, 19, 22, 31, 49, and 50 as amended.

Moreover, Barber fails to make up for the deficiencies of Yamamoto. Barber does not teach or fairly suggest a system including: (1) monitoring information sent by a sender and asynchronously received at a fee address associated with a mail recipient; (2) determining a fee for the information, where the fee is based upon a preferences record defined by the mail recipient; (3) collecting the fee from the sender into a first account; (4) forwarding the information to a private address or (5) transferring fees to a second account.

In particular, there is simply no teaching in the Barber patent of any monitoring of sender information received at a fee address associated with a mail recipient. Instead, the abstract of Barber clearly states that Barber describes a method for charging a consumer for access to a vendor's information. Access to information is provided at the request of a consumer. In Barber, a consumer is one who views a document . . . by accessing the document over the Internet (a document is a page of information, col. 4 line 35). There is no sender in the Barber system, thus, there can be no monitoring of sender information received at a fee address. Further, there is simply no suggestion in the Barber reference to provide such a feature, as the Barber reference is

constructed to provide access to information responsive to a consumer--not as a system for receiving sender information.

The Barber reference also fails to teach <u>determining of a fee for the information where the fee is based on a preferences record defined by the mail recipient</u>. That is, embodiments of the present invention allow the assessment of a fee on information received from a sender based on preferences established by the intended recipient. Instead, the Barber reference describes a system that provides a tokenized link which is attached to a document. A consumer clicks on the link to access a related document. A consumer clicking on the link also results in the consumer being charged a fee and the vendor being paid a fee. The present invention does not involve a consumer. Embodiments of the present invention involve a mail recipient that receives information from a sender and requires sender to pay a fee based on the information they are sending. The fee is assessed based on the mail recipient preferences. As the Barber reference is directed towards charging a consumer for access to information, there is simply no suggestion in the Barber reference to provide a feature <u>for determining a fee for information where the fee is based on a preferences record defined by the mail recipient</u>.

The Barber reference also fails to teach or suggest <u>collecting the fee from the sender into a first account</u>. Again, Barber does not describe a sender. As a result, no fee can be collected from a sender of information. Barber describes a consumer who clicks on a link to begin a pay-per-access process. Clicking on the link causes a banker to identify a vendor and "tokenize" the link. Ultimately the consumer is charged and a vendor is credited. There is no suggestion in Barber to provide a feature for <u>collecting the fee from the sender into a first account</u>.

The Barber reference further fails to teach or suggest <u>forwarding the information to a private address</u>. Again, no information is received from a sender in the Barber reference, so there is no sender information to forward. Further, there is no discussion of any private address in Barber. Further still, there is simply no teaching or suggestion in Barber to provide such a feature.

In addition, the Barber reference fails to teach <u>transferring the collected fees to a second account</u>. In the present invention, collected fees are collected from a sender of information. As discussed above, the Barber reference also fails to teach or suggest any <u>collecting the fee from the sender into a first account</u>. Barber does not teach or suggest collecting fees from a sender. Barber only describes opening an account for a consumer with which the consumer can incur

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charges. Therefore Barber cannot teach transferring fees collected from a sender to a second account. Thus, Applicants respectfully assert that the Barber reference fails to teach or suggest embodiments of the present invention as claimed in independent claims 1, 19, 22, 31, 49, and 50 as amended.

Because both the Yamamoto and Barber references fail to teach a number of features of independent claims 1, 19, 22, 31, 49 and 50, Applicants respectfully submit that the references (either alone or in combination) fail to render the claimed invention obvious. Further, as described above, there is simply no motivation in either reference to modify the references to provide features of embodiments of the present invention.

With regard to Applicants' dependent claims, Applicants respectfully submit that all of the dependent claims are patentable at least as depending from the amended independent claims discussed above. In addition, among other things, considering dependent claims 2 through 18, neither the Yamamoto patent nor the Barber patent, either taken alone or in combination, teach or fairly suggest: transferring collected fees that have been based upon a preferences record defined by a mail recipient to a second account that belongs to a third party, as reflected in Applicants' dependent claim 2; a fee address for receiving information that is an electronic mail address, as reflected in Applicants' dependent claims 3; different fee embodiments based upon a preferences record defined by the mail recipient, as reflected in Applicants' dependent claims 4, 5, 6, 7, 8, 9; and 10; transferring collected fees that are based upon a preferences record defined by a mail recipient to a second account that belongs to a third party, wherein the third party is a charity organization, a company, an individual, or a firm, as reflected in Applicants' dependent claims 11, 12, 13, and 14; a fee that varies for different senders, as reflected in Applicants' dependent claim 15; the size of information being based upon word count, as reflected in Applicants' dependent claim 16; the size of information being based upon a number of bits, as reflected in Applicants' dependent claim 17; a mail recipient electing to impose a fee, as reflected in Applicants' dependent claim 18. Dependent claims 20, 21, 23-30, 32-48, 51-67 are believed patentable for similar reasons.

Conclusion

For the foregoing reasons it is submitted that all of the claims are in condition for allowance and the Examiner's early re-examination and reconsideration are respectfully

requested. Alternatively, if there remains any question regarding the present application or any of the cited references, or if the Examiner has any further suggestions for expediting allowance of the present application, the Examiner is cordially requested to contact the undersigned at (203) 972-3460.

Respectfully submitted,

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CLAIMS INDICATING CHANGES RELATIVE TO PREVIOUS VERSIONS

1.   [Amended] An address system comprising:

means for monitoring information <u>sent by a sender</u> and asynchronously received at a fee address <u>associated with a mail recipient</u>;

means for determining a fee for the information, wherein the fee is based upon a preferences record defined by [a] <u>the</u> mail recipient;

means for collecting the fee <u>from the sender</u> into a first account;

means for forwarding the information to a private address; and

means for transferring the collected fees to a second account.

19.   [Amended] An address system comprising:

means for monitoring information <u>sent by a sender</u> and asynchronously received at a fee address <u>associated with a mail recipient</u>;

means for determining a fee for the information, wherein the fee is based upon a preferences record defined by [a] <u>the</u> mail recipient and the fee is conditional;

means for collecting the fee <u>from the sender</u>; and

means for forwarding the information to a private address.

22.   [Amended] A method of providing a fee address system comprising the steps of:

receiving information <u>sent by a sender</u> to a fee address in a computer, <u>wherein the fee address is associated with a mail recipient</u>;

determining a fee for the information, wherein the fee is based upon a preferences record defined by [a] <u>the</u> mail recipient and the fee increases as information size increases;

collecting the fee from the sender; and

forwarding the information to a private address.

31.   [Amended] A programmed computer for providing a fee address system comprising:

a memory having at least one region for storing computer executable program code; and

a processor for executing the program code stored in memory, wherein the program code includes:

code to receive mail <u>sent by a sender to</u> [having] a fee address <u>associated with a mail recipient</u>;

code to determine a fee for the mail, wherein the fee is based upon a preferences record defined by [a] <u>the</u> mail recipient;

code to collect the fee <u>from the sender</u> into a first account;

code to forward the mail to a private address; and code to transfer the collected fees to a second account.

49.   [Amended] Computer executable software code stored on a computer readable medium, the code for providing a fee address system, comprising:

code to receive a communication [having] <u>sent by a sender to</u> a fee address <u>associated with a mail recipient</u>;

code to determine a fee for the communication, wherein the fee is based upon a preferences record defined by [a] <u>the</u> mail recipient;

code to collect the fee; and

code to forward the communication to a private address.

50.   [Amended] A method of providing a fee address system comprising the steps of:

receiving mail [having] <u>sent by a sender to</u> a fee address in a computer <u>wherein the fee address is associated with a mail recipient</u>;

determining a fee for the mail, wherein the fee is based upon a preferences record defined by [a] <u>the</u> mail recipient;

collecting the fee <u>from the sender</u> into a first account;

forwarding the mail to a private address; and

transferring the collected fee to a second account.